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jc984 U.S. PTO

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PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

<b>APPLICATION ELEMENTS</b>		<b>ADDRESS TO:</b>																					
<p>See MPEP chapter 600 concerning utility patent application contents.</p> <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages <b>112</b>] (Preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R &amp; D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [ Total Sheets <b>34</b> ]</p> <p>5. Oath or Declaration [ Total Pages <b>2</b> ]            a. <input checked="" type="checkbox"/> Newly executed (original or copy)            b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 17 completed)            i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b>  <small>Signed statement attached deleting inventor(s) named in the prior application. see 37 CFR 1.63(d)(2) and 1.33(b).</small> </p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>		<p>Attorney Docket No. EMCR:070</p> <p>First Inventor Seyfullah H. Oguz</p> <p>Title Adaptive bit rate control for rate reduction of ...</p> <p>Express Mail Label No. EL291391701US</p> <p>Assistant Commissioner for Patents Box Patent Application Washington, DC 20231</p>																					
<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on:            i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or            ii. <input type="checkbox"/> paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p>																							
<b>ACCOMPANYING APPLICATION PARTS</b>																							
<p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of (when there is an assignee) <input type="checkbox"/> Attorney</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input checked="" type="checkbox"/> Other: <b>REQUEST AND CERTIFICATION UNDER 35 USC 122(6)(2)(B)(L)</b></p>																							
<p>17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:</p> <p><input type="checkbox"/> Continuation    <input type="checkbox"/> Divisional    <input type="checkbox"/> Continuation-in-part (CIP)    of prior application No. _____ / _____</p> <p>Prior application information: Examiner _____ Group / Art Unit: _____</p> <p>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>																							
<b>18. CORRESPONDENCE ADDRESS</b>																							
<input type="checkbox"/> Customer Number or Bar Code Label		<small>or <input checked="" type="checkbox"/> Correspondence address below</small>																					
<table border="1"> <tr> <td>Name</td> <td colspan="3">Richard C. Auchterlonie</td> </tr> <tr> <td>Address</td> <td colspan="3">Howrey Simon Arnold &amp; White, LLP 750 Bering Drive</td> </tr> <tr> <td>City</td> <td>Houston</td> <td>State</td> <td>Texas</td> </tr> <tr> <td>Country</td> <td>United States</td> <td>Telephone</td> <td>77057-2198</td> </tr> <tr> <td>Fax</td> <td colspan="3">713-787-1400</td> </tr> </table>				Name	Richard C. Auchterlonie			Address	Howrey Simon Arnold & White, LLP 750 Bering Drive			City	Houston	State	Texas	Country	United States	Telephone	77057-2198	Fax	713-787-1400		
Name	Richard C. Auchterlonie																						
Address	Howrey Simon Arnold & White, LLP 750 Bering Drive																						
City	Houston	State	Texas																				
Country	United States	Telephone	77057-2198																				
Fax	713-787-1400																						
Name (Print/Type)		Richard C. Auchterlonie	Registration No. (Attorney/Agent)	30,607																			
Signature		<i>Richard C. Auchterlonie</i>		Date 27 Dec 2000																			

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# FEE TRANSMITTAL

## for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 768.00)

*Complete If Known*

Application Number	
Filing Date	
First Named Inventor	Seyfullah H. Oguz
Examiner Name	
Group Art Unit	
Attorney Docket No.	EMCR:070

**METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **05-0889**

Deposit Account Name **EMC CORPORATION**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  
 Check     Credit card     Money Order     Other

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	85	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
118	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	895	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
128	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
108	320	208	180	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1) (\$ 710)****2. EXTRA CLAIM FEES**

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
21	-20** =	1	x 18	= 18
Independent Claims	3	- 3** =	0 x 0	= 0
Multiple Dependent			0	= 0

**Large Entity Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description		
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$ 18)**

\*or number previously paid, if greater; For Reissues, see above

Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$ 40)****SUBMITTED BY***Complete (if applicable)*

Name (Print/Type)	Richard C. Auchterlonie	Registration No. (Attorney/Agent)	30,607	Telephone	713-787-1698
Signature	<i>Richard C. Auchterlonie</i>				
		Date	27 DEC 2000		

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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	<b>SEYFULLAH H. OGUZ</b>	
Title	<b>Adaptive bit rate control for..</b>	
Atty Docket Number		<b>EMCR:070</b>

I hereby certify that the invention disclosed in the attached application **has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.** I hereby request that the attached application not be published under 35 U.S.C. 122(b).

27 December 2000

Date

Richard C. Auchterlonie

Signature Reg. 30,607

**RICHARD C. AUCHTERLONIE**

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.**

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**